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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AILES, BENJAMIN A

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/897,237	<b>Applicant(s)</b> MUNENAKA ET AL.	
	<b>Examiner</b> BENJAMIN AILES	<b>Art Unit</b> 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-16 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-16 and 19-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20 October 2008 has been entered.

2. Claims 1-7, 10-16 and 19-25 remain pending.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-7, 10-16 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al. (US 5,933,811), hereinafter referred to as Angles, in view of Prust (US 6,735,623), and further in view of Cunningham et al. (US 7,353,267 B1), hereinafter referred to as Cunningham.

5. Regarding claim 1, Angles teaches a content managing system having a content managing portion comprising:

a content library for storing files of a plurality of contents provided by a content provider (Angles, figure 4, item 70);

a library managing unit which manages said content library (Angles, figure 4, item 18);

said content managing portion counts to each user area and creates a database containing the counted values (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7)

Angles teaches in column 14, lines 23-26 the advertisement provider computer having registration capabilities and counting the clicked data and time of each content copied or linked and creates a database containing the counted values (col. 15, line 67 – col. 16, line 7). The registration steps include obtaining information pertaining to users and storing this information about the user in a database utilizing a registration module. Angles teaches information being stored and remote access to this information by the user (fig. 1, items 12 and 14) which is related to a user but does not explicitly teach (a) the ability to “store specific files for the user in an area assigned to each user.” Angles teaches a method for statistics gathering wherein Angles utilizes an accounting database which tracks how often content is used (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7) but does not “count the period for which each content was stored or linked and creates a database containing the counted values.”

(a) In related art, Prust teaches on the ability to store specific files for the user in an area assigned to each user wherein Prust teaches a method for providing a remote storage area specifically for users in a computer networking environment wherein it would be considered desirable to store files remotely. The remote storage device disclosed by Prust is divided so that each user is assigned a specific storage area. The user is then able to access the remote storage from different locations over a network communication line from a user terminal. The user is also able to copy and store data

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files in their storage area (Prust, column 1, lines 30-37). These aspects of Prust teach on the limitations of customer file storing and managing means and the communication of a user with a content managing portion over a network. Prust teaches that when the user selects a content linked to a page published by the content provider through the network, the selected content is copied from said content library to the area assigned to the user (Prust, col. 1, ll. 30-37).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide a "customer file storing means" (remote storage area) as disclosed by Prust, in combination with the registration and user database as disclosed by Angles. One of ordinary skill in the art would have been motivated to make such a combination because of the benefit of being able to access data files from different locations (remote access). The combination of Angles and Prust teach on the content managing portion being operated remotely by a terminal unit of a user (fig. 1, items 12 and 14) so that when the user selects a content linked to a page published by the content provider through the network, the selected content is copied from said content library to the area assigned to the user (Angles, col. 8, ll. 34-42, the requesting of content; Prust, col. 1, ll. 30-37).

(b) In related art, Cunningham teaches the utilization of an ad information table used in conjunction with an advertisement pool that stores advertisements that are shown to a client (col. 10, ll. 58-66). Cunningham teaches the replacement of oldest content first and tracks the time content is stored by at least knowing the age of content in the ad pool in order to know which content is considered the oldest (col. 10, line 62 –

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col. 11, line 3), and therefore teaches within the scope of the "managing portion determines the total period for which each content was stored or linked in each user area." Cunningham teaches further the "database containing the determined values" wherein Cunningham teaches the ad information table (col. 10, ll. 58-66). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the utilization of an ad information table as taught by Cunningham with the content providing and user area as taught by Angles and Prust. One of ordinary skill would have been motivated to utilize the ad table taught by Cunningham wherein Cunningham teaches the need for ads targeted at users that will hold the interest and attention and also ensure a fresh supply of advertisements (col. 3, ll. 3-10).

6. Regarding claim 2, Angles, Prust and Cunningham teach the content being advertisements (Angles, col. 2, lines 49-51).

7. Regarding claim 3, Angles, Prust and Cunningham teach the content managing system wherein the content provider can freely change, replace, and delete the file of a content provided to said content library (Angles, col. 13, lines 21-23 and col. 15, lines 20-42, Angles discloses the advertisement provider having full control over maintaining the content stored (generating and deleting advertisements) in the content database.).

8. Regarding claim 4, Angles, Prust and Cunningham teach wherein said content managing portion counts the number of users who copied or linked the contents to their user areas and creates a database containing the counted values (Angles, col. 15, line 65 – col. 16, line 7).

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9. Regarding claim 5, Angles, Prust and Cunningham teach wherein said content managing portion counts the number of male users and the number of female users who copied their contents to their user areas and creates a database containing the counted values (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7).

10. Regarding claim 6, Angles, Prust and Cunningham teach wherein said content managing portion counts the number of users in each age group who copied their contents to their user areas and creates a database containing the counted values (see Angles, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7).

11. Regarding claim 7, Angles, Prust and Cunningham teach wherein said content managing portion counts the number of users in each age group who copied their contents to their user areas and creates a database containing the counted values (see Angles, col. 4, lines 17-20, col. 14, lines 19-23 and col. 15, line 65 – col. 16, line 7).

12. Regarding claims 10-16, claims 10-16 are apparatus claims that correspond to system claims 1-7 and are therefore rejected under the same rationale.

13. Regarding claims 17-25, claims 17-25 are method claims that correspond to system claims 1-7 and are therefore rejected under the same rationale.

### ***Response to Arguments***

14. Applicant's arguments filed 20 October 2009 have been fully considered but they are not persuasive.

### **Claims 1-7, 10-16 and 19-25**

15. With respect to the rejection of independent claims 1, 10 and 19 under 35 USC 103(a) as being unpatentable over Angles et al. (US 5,933,811), Prust (US 6,735,623)

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and Cunningham (US 7,353,267), applicant argues that the cited prior art does not disclose anything pertaining to "a content management system where a content managing portion determines the data and time when each content is clicked and creates a database containing the determined date and time."

The examiner respectfully disagrees. As set forth in the rejection, Angles teaches in column 18, line 61 – column 19, line 11 the advertisement provider computer having capabilities of counting the clicked data and time of each content copied or linked and creates a database containing the counted values. Broadest reasonable interpretation is taken by the examiner wherein the examiner is interpreting the action of "clicking" as is known in the art as a step of actual accessing content for use by a user. The examiner submits that Angles teaches on this aspect of the claims as cited above wherein Angles teaches an advertisement computer accessing a profile for a user and selecting an appropriate advertisement from a database and then sending the advertisement to the user for viewing on an electronic page (i.e. web page). Audit information is then created specifying which advertisement was sent to the user's computer, which computer received the advertisement, which user viewed the advertisement. This audit information is then stored in an accounting database (fig. 4, accounting database 72, column 15, line 65 – column 16, line 25). Therefore, it is submitted that the art cited is applicable and the rejections have been maintained.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Ailes whose telephone number is (571)272-3899. The examiner can normally be reached Monday-Friday, IFP Hoteling schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on 571-272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. A. A./  
Examiner, Art Unit 2442

/Jeffrey Pwu/  
Supervisory Patent Examiner, Art Unit 2446